

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

NICHOLAS SERVICES, LLC
D/B/A NICHOLAS AIR and
CORR FLIGHT S., INC.,

Plaintiffs,

v.

GLASSDOOR, INC.,
GLASSDOOR, LLC, and
JOHN AND JANE DOE(S) 1-30,

Defendants.

Civil Action No. 3:23cv448-MPM-RP

**DEFENDANT GLASSDOOR LLC’S
MOTION TO DISMISS, OR, IN THE ALTERNATIVE, TO
TRANSFER THIS ACTION TO THE NORTHERN DISTRICT OF CALIFORNIA**

Defendant Glassdoor LLC (“Glassdoor”) hereby moves to dismiss the above-referenced action pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6), or to transfer this action to the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a), on the following grounds, which are set forth in detail in Glassdoor’s accompanying Memorandum Brief in Support of Its Motion to Dismiss Plaintiffs’ First Amended Complaint, or, in the Alternative, to Transfer this Action to the Northern District of California:

1. The Court lacks personal jurisdiction over Glassdoor.
2. Plaintiffs agreed to litigate the dispute at issue in this matter in either the Superior Court of the State of California, County of Marin, or the United States District Court for the Northern District of California.
3. Plaintiffs improperly purport to hold Glassdoor, which is a “provider of an interactive computer service” within the meaning of 47 U.S.C. § 230(c)(1), liable for statements

made on Glassdoor's website by third parties, and for additional defamatory content allegedly created by Glassdoor.

4. Plaintiffs' First Amended Complaint fails to state a claim under applicable Mississippi law.

5. In support of its Motion, Defendant relies on the pleadings and papers filed of record in this matter, as well as the following exhibits:

Exhibit 1 – Declaration of Annie Khalid

Exhibit A – Form of a user to the Site to create an account for Glassdoor;

Exhibit B – Glassdoor's Terms of Use; and

Exhibit C – Page from the Administrative interface of the Site.

Exhibit 2 – Declaration of William J. Frimel

Exhibit A – 2023 LLC Report of Nicholas Air;

Exhibit B – September 12, 2023 Letter to Glassdoor from Nicholas Air;

Exhibit C – Nicholas's website retrieved on November 27, 2023; and

Exhibit D – "Jobs" section of Nicholas's LinkedIn page retrieved on November 27, 2023.

Dated: January 5, 2023.

Respectfully submitted,

/s/ Pope S. Mallette

**ATTORNEYS FOR DEFENDANT
GLASSDOOR LLC**

Pope S. Mallette

State Bar No. 9836

pmallette@mayomallette.com

J. Andrew Mauldin

State Bar No. 104227

dmauldin@mayomallette.com

Mayo Mallette PLLC

2094 Old Taylor Road, Suite 200

Oxford, MS 38655

Phone: 662.236.0555

Fax: 662.236.0035